

REMARKS

The Official Action mailed December 13, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on March 18, 2004; and October 15, 2004.

Claims 14-25 are pending in the present application, of which claims 14, 16, 18, 20, 22 and 24 are independent. Claim 16 has been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

In the *Amendment and Response to Restriction/Election Requirement* filed September 26, 2005, the Applicants elected Group II, claims 14-19, and Species IIB, claims 16 and 17. The Applicants added new claims 20-25 and noted that claims 20-25 "also read on the elected species [IIB]" (page 7). The Official Action, asserts that "[n]ewly submitted claims 20-25 are ... independent and distinct from the invention originally claimed for the following reasons: Claims 20-25 pertains to a method which incorporates manufacturing by ink-jet printing" (page 2, Paper No. 12092005). The Applicants respectfully agree in part and disagree in part. While the Applicants agree that claim 20 recites that the "third conductive film is formed by ink-jet print," and is consistent with the Examiner's assertion, the Applicants disagree with the withdrawal of claims 22-25, which do not recite ink-jet printing. Claims 22 and 24 recite generally similar steps as compared to claim 16 from a step of forming a first conductive film over an insulating surface to a step of forming a gate electrode by etching a third conductive film. Claims 22 and 24 further cite a step of forming an interlayer insulating film over a second insulating film and a gate electrode and a step of forming a wiring over the interlayer insulating film. The Applicants respectfully submit that claim 16 is generic to claims 22 and 24 and should be examined on the merits. Also, it is noted that in the

Official Action mailed August 24, 2005, the Examiner restricted claims 14-19 into three species based on "variations of etching/lamination combinations" (page 3, lines 9-10; Paper No. 08222005). Since claims 22 and 24 contain the same etching/lamination combination as claim 16, claims 22 and 24 should be subject to examination on the merits.

The Official Action objects to the Abstract "because of the language 'The present invention provides ...' in line 1" (page 2, Paper No. 12092005). Although not specific, it appears the Examiner would like for the Applicants to delete "present invention" in the Abstract. In response, the Applicants have amended the Abstract to delete "present invention," to delete legal phraseology and to correct minor grammatical informalities. Reconsideration of the objection is respectfully requested.

The Official Action objects to Figure 10 as lacking a designation such as "Prior Art." As required by the Official Action, the Applicants have amended Figure 10 to include the designation "Prior Art," as shown in the attached replacement sheet. Reconsideration is requested.

The Official Action rejects claim 16 under 35 U.S.C. § 112, second paragraph, regarding a lack of antecedent basis for "second electrode." In response, claim 16 has been amended to positively recite "a second electrode." The Applicants respectfully submit that amended claim 16 is definite. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 16 and 17 as anticipated by U.S. Patent No. 4,547,789 to Cannella et al. The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 16 has been amended to recite a second insulating film in contact with an upper surface of a second electrode. Claim 16 has also been amended for clarity. The Official Action relies on source layer 18 of Cannella to allegedly teach the second conductive film recited in claim 16 and on gate insulator layer 26 of Cannella to allegedly teach the second insulating film recited in claim 16 (page 4, Paper No. 12092005; Figure 1 of Cannella reproduced below). It is noted, due to the § 112 rejection, the Examiner is substituting "second conductive film" for "second electrode." As noted above, claim 16 now positively recites a second electrode, and it is presumed that the Examiner would continue to assert that source layer 18 of Cannella corresponds to the second electrode recited in claim 16.

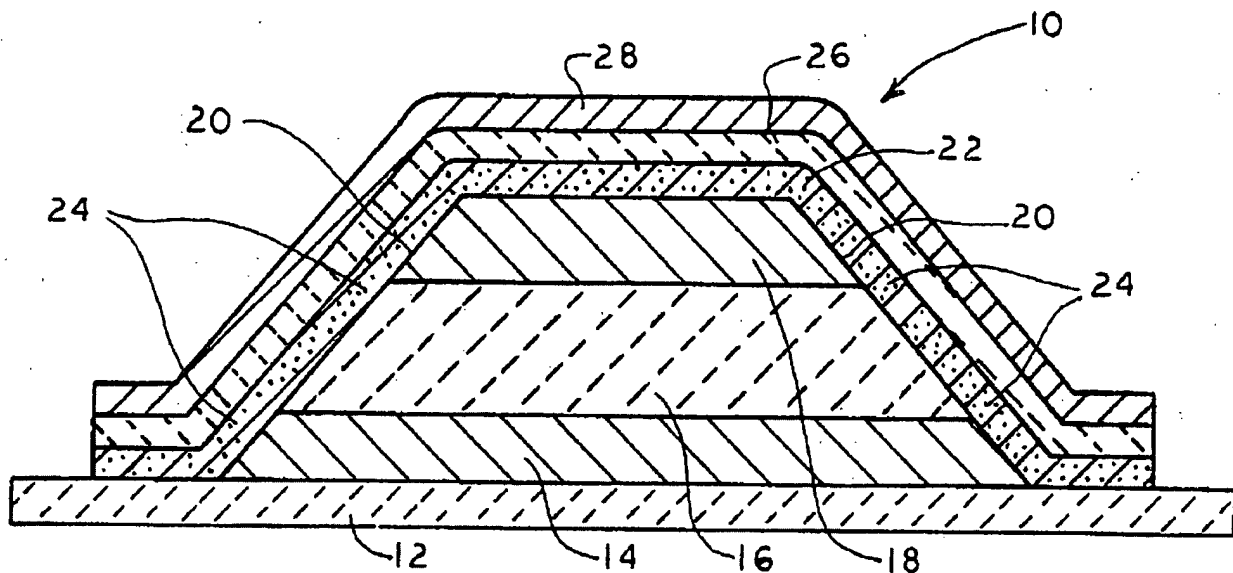



FIG. 1

However, the gate insulator layer (second insulating film) 26 of Cannella is not in contact with an upper surface of the source layer (second electrode) 18 of Cannella. Therefore, Cannella does not teach a second insulating film in contact with an upper surface of a second electrode, either explicitly or inherently.

Since Cannella does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 10. As described in detail below, Figure 10 has been amended as required by the Examiner. This sheet, which includes Figure 10, replaces the original sheet including Figure 10.

Attachment: Replacement Sheet